

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PINTERS DISTRICT COUNCIL NO. 58, )  
et al., )  
                ) )  
Plaintiffs, ) )  
                ) )  
vs.             ) Case No. 4:16-CV-00846 JAR  
                ) )  
E.K.M. CONTRACTING LLC, and )  
MAKAL ALI, ) )  
                ) )  
Defendants. ) )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' Motion for Contempt (Doc. No. 36). This action arises under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132, to collect delinquent contributions.

On November 9, 2017, this Court ordered Defendants E.K.M. Contracting, LLC, and Makal Ali, to appear for a post-judgment deposition on December 10, 2017 at 10:00 a.m. at the offices of Plaintiffs' counsel and produce the records requested in Plaintiffs' October 12, 2017 notice of deposition. (Doc. No. 34.) A copy of the Court's Order was mailed to Defendants on November 9, 2017. (*Id.*) Plaintiffs' motion for contempt asserts that Defendants did not appear at the deposition on December 10, 2017 or otherwise contact Plaintiffs' counsel and did not produce the requested documents. Plaintiffs now move for an order finding Defendants in contempt of this Court and imposing a compliance fine of \$250.00 per day for each day of Defendants' noncompliance. Plaintiffs also request they be granted their attorneys' fees and expenses incurred in bringing this motion.

Accordingly,

**IT IS HEREBY ORDERED** that a hearing is scheduled for **Tuesday, March 6, 2018 at 2:00 p.m.** in the Thomas F. Eagleton United States Courthouse, 111 South 10th Street, St. Louis, Missouri 63102 at which Defendants E.K.M. Contracting LLC and Makal Ali shall appear and show cause why civil contempt sanctions should not be imposed against them for failure to comply with this Court's Order of November 9, 2017.

**IT IS FURTHER ORDERED** that Plaintiffs shall effect service of this Order on Defendants by whatever means they believe to be most effective, and shall promptly file a certificate of such service. Failure to show adequate evidence of prompt service may result in the continuation or cancellation of the contempt hearing.

Dated this 5th day of February, 2018.



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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**